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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,044	05/11/2001	Miroslav Trajkovic	US 010238	8186

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

VO, TUNG T

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 03/04/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,044

Applicant(s)

TRAJKOVIC, MIROSLAV

Examiner

Tung T. Vo

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 09/05/03 has been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomitaka et al. (US 5,546,125).

Re claims 1 and 11, Tomitaka discloses a video processing system for characterizing an image, comprising: a characterizing device (7 of fig. 1) that is configured to partition pixels of the image into a first set of color pixels (R-Y and B-Y of fig. 1) and a second set of non-color pixels (Y of fig. 1), and to create at least one of

a histogram of chromatic components (19 of fig. 1) within the first set of color pixels, and

a histogram of brightness components (20 of fig. 1) within the second set of non-color pixels.

Re claims 2 and 12, Tomitaka further discloses wherein the characterizing device (16 of fig. 1) is further configured to create a composite histogram that includes the histogram of chromatic components and the histogram of brightness components.

Re claims 3 and 13, Tomitaka further discloses wherein the composite histogram corresponds to a target histogram (S5 of fig. 1; FMX of fig. 3), and the video processing system further includes a color-matching device (that is configured to compare one or more other composite histograms to the target histogram (16 of fig. 1 and SP4 of fig. 9).

Re claims 4 and 14, Tomitaka further discloses wherein a limited number of different chromatic component values and brightness component values (26 of fig. 1) are used to create a target histogram vector corresponding to the target histogram (14 o fig. 1),

and the color-matching device is configured to create one or more other histogram vectors corresponding to the other composite histograms based on the limited number of different chromatic component values and brightness component values corresponding to the target histogram (16 of fig. 1, and fig. 9).

Re claims 5 and 15, Tomitaka further discloses wherein at least one of: the chromatic components include at least one of a hue and a saturation component of a hue-saturation-intensity color model (R-Y and B-Y of fig. 1), and the brightness components include an intensity component of the hue-saturation-intensity color model (Y of fig. 1).

Re claims 6 and 16, Tomitaka further discloses wherein the histogram of chromatic components corresponds to a target histogram (figs. 9 and 10), and the video processing system further includes a color-matching device (SP4 of fig. 9) that is configured to compare one or more other histograms of chromatic components to the target histogram.

Re claims 7 and 17, Tomitaka further discloses wherein a limited number of different chromatic component values are used to create a target histogram vector corresponding to the target histogram (26 and 27 of fig. 1), and the color-matching device is configured to create one or more other histogram vectors corresponding to the other histograms based on the limited number of different chromatic component values (14 of fig. 1).

Re claims 8 and 18, Tomitaka further discloses wherein the second set of non-color pixels are defined based as pixels having color values that lie within a specified distance from a line of gray values in a defined color space (Hue, Sat and S10 of fig. 1).

Re claims 9 and 19, Tomitaka further discloses a color modeler that is configured to convert a red-green-blue representation of each pixel value into a hue-saturation-intensity representation of the pixel value (Y, R-Y, and B-Y of fig. 1).

Re claim 10, Tomitaka discloses a target tracker (16 of fig. 1) that is configured to track a target in one or more images, based on the histogram of chromatic components.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Massen (US 5,809,165) discloses a method for color control in the production process.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TUNG T. VO
PATENT EXAMINER

T.Vo

Tung T. Vo
Examiner
Art Unit 2613